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6                   **IN THE UNITED STATES DISTRICT COURT**  
7                   **FOR THE DISTRICT OF ARIZONA**

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9      Rustin Eric Mair,

No. CV-22-02184-PHX-MTL

10                  Petitioner,

**ORDER**

11      v.

12      RA Heisner,

13                  Respondent.

14

15      Before the Court is Petitioner's Petition for Writ of Habeas Corpus (Doc. 1).  
16      Magistrate Judge Camille D. Bibles issued a Report and Recommendation ("R&R")  
17      recommending that the Petition be dismissed as moot. (Doc. 13.) Petitioner filed his  
18      objections to the R&R. (Doc. 15.) Respondent did not file a reply. For the following  
19      reasons, the Court adopts the R&R and dismisses the Petition with prejudice.

20      **I.      LEGAL STANDARD**

21      This Court "may accept, reject, or modify, in whole or in part, the findings or  
22      recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). It is "clear that  
23      the district judge must review the magistrate judge's findings and recommendations de  
24      novo if an objection is made, but not otherwise." *United States v. Reyna-Tapia*, 328 F.3d  
25      1114, 1121 (9th Cir. 2003) (en banc); *see also Klamath Siskiyou Wildlands Ctr. v. U.S.*  
26      *Bureau of Land Mgmt.*, 589 F.3d 1027, 1032 (9th Cir. 2009) (explaining that the District  
27      Court "must review de novo the portions of the [Magistrate Judge's] recommendations to  
28      which the parties object"); *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz.

1 2003) (“Following *Reyna-Tapia*, this Court concludes that de novo review of factual and  
 2 legal issues is required if objections are made, ‘but not otherwise.’”). The District Court is  
 3 not required to conduct “any review at all . . . of any issue that is not the subject of an  
 4 objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). General objections are insufficient  
 5 to trigger a District Court’s de novo review of a report and recommendation. *Neufeld v.*  
 6 *Shinn*, No. CV-20-08155-PCT-JAT, 2021 WL 3046904, at \*2 (D. Ariz. July 20, 2021).  
 7 And the Court need only review specific objections. *Id.* “To be ‘specific,’ the objection  
 8 must, with particularity, identify the portions of the proposed findings, recommendations,  
 9 or report to which it has an objection and the basis for the objection.” *Id.* Accordingly, the  
 10 Court will only conduct a de novo review of those portions of the R&R to which there is a  
 11 specific objection.

## 12 **II. BACKGROUND**

13 The R&R recounts the factual and procedural history of this case, including the  
 14 underlying state court proceedings. (Doc. 13 at 1-4.) Neither party has objected to this  
 15 portion of the R&R, and the Court hereby accepts and adopts it. *Reyna-Tapia*, 328 F.3d at  
 16 1121. Petitioner requests that the Court order the Bureau of Prisons to credit “220 or 267  
 17 or 342 days” against his sentence. (Doc. 1 at 9.) After Petitioner filed his Petition, the  
 18 Bureau of Prisons credited him 295 days. (Doc. 13 at 3-4.) On that basis, Magistrate Judge  
 19 Bibles dismissed the Petition as moot. (*Id.* at 4-5.)

## 20 **III. DISCUSSION**

21 Petitioner first objects to Magistrate Judge Bibles’ statement that he never supported  
 22 his Petition with a reply brief. (Doc. 15 at 1.) In response, Petitioner cites his “Reply to  
 23 Respondent’s Motion to Supplement Return and Answer.” (Doc. 15-1 at 4 (citing Doc.  
 24 14.)) That briefing, however, is not relevant to Magistrate Judge Bibles’ point. It is not a  
 25 reply in support of his Petition, but a reply to Respondent’s Motion. (Doc. 11.)

26 Petitioner also argues that he should be credited with an additional forty-seven days  
 27 of time served. (Doc. 15 at 1.) The Court interprets this as an objection to Magistrate Judge  
 28 Bibles’ mootness determination. The Court’s jurisdiction is limited to live “cases” or

1 “controversies.” U.S. Const. Art. III, § 2, cl. 1; *see also Moore v. Harper*, 600 U.S. 1, 6  
 2 (2023). “Failure to satisfy Article III’s case-or-controversy requirement renders a habeas  
 3 petition moot.” *Mujahid v. Daniels*, 413 F.3d 991, 994 (9th Cir. 2005). A case becomes  
 4 moot “when the issues presented are no longer ‘live’ or the parties lack a legally cognizable  
 5 interest in the outcome.” *Chafin v. Chafin*, 568 U.S. 165, 172 (2013) (quoting *Murphy v.*  
 6 *Hunt*, 455 U.S. 478, 481 (1982) (per curiam)).

7 The Petition is moot because Petitioner has received the relief he requested. *Rahman*  
 8 *v. Graber*, 615 Fed. Appx. 876 (2015) (dismissing a federal habeas petition on appeal as  
 9 moot because the petitioner received their requested credit toward time served). Petitioner  
 10 requests a credit of “220 or 267 or 342 days,” which the Court construes as a request for a  
 11 credit of at least 220 days. (Doc. 1 at 9; *see also id.* at 20 (“Petitioner would at least like to  
 12 receive 220 days for all [f]ederal [t]ime.”).) Petitioner was credited 295 days against his  
 13 sentence. (Doc. 13 at 4.) Accordingly, the Court finds that Petitioner has received the relief  
 14 which he requested, and the Petition is moot. The Court overrules Petitioner’s objections  
 15 and adopts the R&R.

16 **IV. CONCLUSION**

17 Accordingly,

18 **IT IS ORDERED** that the Report and Recommendation (Doc. 13) is **accepted**.

19 **IT IS FURTHER ORDERED** that the Petition for Writ of Habeas Corpus (Doc.  
 20 1) is **dismissed as moot**.

21 **IT IS FURTHER ORDERED** denying the issuance of a certificate of appealability  
 22 and leave to proceed in forma pauperis on appeal because Petitioner has not demonstrated  
 23 that reasonable jurists could find the ruling debatable or conclude that the issues presented  
 24 are adequate to deserve encouragement to proceed further. *See Miller-El v. Cockrell*, 537  
 25 U.S. 322, 327 (2003).

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1           **IT IS FINALLY ORDERED** directing the Clerk of the Court to enter judgment  
2 terminating the case.

3           Dated this 2nd day of October, 2023.  
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5           Michael T. Liburdi  
6           Michael T. Liburdi  
7           United States District Judge  
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